

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DANIEL THOMPSON

Plaintiff,

CASE NO. 17-10490
HON. DENISE PAGE HOOD

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

/

**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION [#35] TO GRANT DEFENDANT THE KONE
COMPANY'S MOTION TO DISMISS [#25]**

This matter is before the Court on a Report and Recommendation (Doc # 35) filed by Magistrate Judge Stephanie Dawkins Davis to grant Defendant The Kone Company's ("The Kone Company") Motion to Dismiss. (Doc # 25) The Court ACCEPTS and ADOPTS the Report and Recommendation and GRANTS Defendant's Motion to Dismiss.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(b)(1)(C). The

court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* In order to preserve the right to appeal the magistrate judge’s recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

The Court agrees with the Magistrate Judge that The Kone Company should be dismissed from the matter.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Stephanie Dawkins Davis’s Report and Recommendation (Doc # 35) is **ACCEPTED** and **ADOPTED**.

IT IS FURTHER ORDERED that Defendant The Kone Company’s Motion to Dismiss (Doc # 25) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant The Kone Company is **DISMISSED** from this action.

S/Denise Page Hood
Denise Page Hood
Chief Judge, United States District Court

Dated: January 31, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 31, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager